

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONNA DULL and HOLLY DULL,	:	CIVIL ACTION NO. 1:07-CV-0307
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
WEST MANCHESTER TOWNSHIP	:	
POLICE DEPARTMENT, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 14th day of March, 2008, upon consideration of the order of court dated January 31, 2008 (Doc. 43), which held in abeyance all discovery regarding potentially prurient photographs pending the court's ruling on the discoverability thereof, and of the parties' submissions addressing this issue, (see Docs. 46, 48, 51), and it appearing that counsel for defendant City of York has requested a copy of the photographs from counsel for defendant West Manchester Township, who is presently in possession of them, (see Doc. 41 at 1), and that counsel for West Manchester Township has not delivered said photographs due to their potentially pornographic nature (see id.), and the court noting that the photographs provide the basis upon which plaintiffs Donna Dull and Holly Dull were arrested, and that the instant matter challenges the circumstances of their arrests, and the court concluding that the photographs are therefore discoverable material under Rule 26(b)(1) of the Federal Rules of Civil Procedure, see FED. R.

Civ. P. 26(b)(1) (“Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense.”), it is hereby ORDERED that:

1. Counsel for defendant West Manchester Township is instructed to deliver forthwith a copy of the photographs to counsel for defendant City of York. The photographs shall be marked “Confidential.”
2. The photographs shall henceforth be considered confidential material. All counsel of record are directed to implement measures within their law offices to ensure the continued confidentiality of the photographs. There shall be no disclosure or dissemination of these photographs except on a “need-to-know” basis consistent with the prosecution and defense of the instant matter. See, e.g., infra ¶¶ 3-4.
3. Counsel may conduct discovery regarding the photographs in accordance with Federal Rules of Civil Procedure, including presentation of them to deposition witnesses for questioning. In no event shall the photographs or copies thereof be transferred to the possession of persons other than counsel of record.
4. Any future court documents containing reproductions of the photographs shall be filed under seal.
5. Nothing contained herein constitutes a ruling on the admissibility of the photographs or descriptions thereof for trial purposes.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge